

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

		:	Chapter: 13
In Re: David Ciarlante		:	
	Debtor	:	Bankruptcy No. 20-10312-MDC
		:	
Santander Bank N.A.		:	
	Movant	:	
-v-		:	
		:	
David Ciarlante		:	
	Respondent	:	Answer to Motion for Relief
		:	
		:	

**ANSWER TO MOTION FOR RELIEF of SANTANDER BANK N.A., FILED BY DAVID CIARLANTE, DEBTOR/RESPONDENT**

And now comes David Ciarlante, Debtor/respondent, through his attorney Jeffery A. Fournier, Esquire, files this response to the motion for relief file by Santander Bank N.A., asserting the following answer:

- 1) Admitted.
- 2) Admitted. Furthermore the Debtor filed a Chapter 13 Plan with the intentions of paying Santander Bank, N.A. outside of the Plan. At the time the Bankruptcy Petition was filed, Debtor was pre-petition current with Movant.
- 3) Denied. According to the proof of claim filed by Movant, the outstanding balance of the loan is \$14,808.64 with a monthly mortgage payment of \$110.70/month. The credit limit doesn't accurately reflect the actual balance of loan.
- 4) Admitted.
- 5) Admitted.
- 6) Admitted.

7) Admitted.

8) Admitted.

8) Admitted. (Note - two #8 paragraphs in motion).

9) Denied. The value of Debtors residence secured by Movant has increased in value since the filing of this case. Movant's interest is adequately protected.

10) Denied.

11) Denied. Moving isn't entitled to relief from the automatic stay, there is sufficient equity in the premises to adequately protect the Movant and Debtor is able to immediately bring post petition arrearages current. Debtors residence secured by Movant has increased in value since the filing of this case.

11.a) Denied, there is significant equity in the property secured by the Movant, Debtor is able to immediately bring post petition payments current. Debtors residence secured by Movant has increased in value since the filing of this case.

11.b) Denied, there is significant equity in the property secured by the Movant, Debtor is able to immediately bring post petition payments current. Debtors residence secured by Movant has increased in value since the filing of this case. The secured property is insured for fire/casualty.

WHEREFORE, Debtor respectfully requests that the Motion filed by Santander Bank, N.A. be dismissed.

Respectfully submitted,

/s/ Jeffery A. Fournier, Esquire  
Jeffery A. Fournier, Esquire  
For David Ciarlante, Debtor/Respondent

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		:	
<b>David Ciarlante</b>		:	
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**VERIFICATION**

I, hereby state:

1. I verify that the statements made in this pleading/answer are true and correct to the best of my knowledge, information and belief; and
2. I understand that the statements made in this pleading/answer are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

/s/ David Ciarlante 02/22/2021  
David Ciarlante, Debtor/Respondent

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		:	
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**CERTIFICATION OF SERVICE**

I, Jeffery A. Fournier, Esquire, hereby certify that I served that the above Notice of Objection were served to the interested parties listed below by first class prepaid postage mail and/or electronically on February 23, 2021:

William C. Miller, Trustee (Electronic)

Thomas A. Capehart, Esquire (Electronic)

/S/ Jeffery A. Fournier, Esquire  
Jeffery A. Fournier, Esquire  
Attorney for Debtor/Respondent